

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

DANIEL BRYAN KELLY,)
)
Plaintiff,)
) CIVIL ACTION NO.
v.) 2:05cv1150-MHT
)
RICKY OWENS, etc., et al.,)
)
Defendants.)

ORDER

After an independent and de novo review of the record, it is ORDERED as follows:

- (1) Plaintiff's objections (doc. no. 73) are overruled.
- (2) The recommendation of the United States Magistrate Judge (doc. no. 69) is adopted.
- (3) Plaintiff's motion for stay pursuant to Rule 56(f) of the Fed.R.Civ.P. (doc. no. 63) is denied.

(4) Defendant Randal W. Weaver's motion for summary judgment (doc. no. 57) is granted.

(5) Judgment is entered in favor of defendant Weaver and against plaintiff with respect to the federal claims in counts I and II and the state-law claim in count IX.

It is further ORDERED that this cause is referred back to the magistrate judge for further appropriate proceedings.

DONE, this the 30th day of November, 2006.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE